

# VILLAGE OF EAGLE REGULAR BOARD MEETING MINUTES

October 8, 2015

Approved

## **Call to Order/Open Meeting Law requirements:**

R. Spurrell called the meeting to order at 7:00pm.

**Roll Call:** G. Hein, J. Hoefakker, R. Spurrell, G. Scheff, L. Neuburg, J. Frisch, P. Jones all present

**Pledge of Allegiance:** Pledge of Allegiance was led by R. Spurrell.

**R. Spurrell made an announcement for possible closed session per WI State Statute 19.85 (1)(f) for consideration of financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; specifically to discuss the medical condition and the duty disability claim of Justin Heim.**

**Review/Approval of Minutes:** Motion made by J. Frisch to approve the minutes from the meeting held September 10, 2015. Seconded by J. Hoefakker. Motion carried (6-0-1) P. Jones abstained. Motion made by L. Neuburg to approve the minutes from the meeting held September 17, 2015. Seconded by G. Scheff. Motion carried (6-0-1) P. Jones abstained. Motion made by J. Frisch to approve the minutes from the meeting held September 29, 2015. Seconded by L. Neuburg. Motion carried (7-0)

**Review/Approval of Treasurer's Report, including regular monthly accounts payable and journal entry log:** Board members reviewed reports. Motion made by J. Frisch to approve Treasurer's Report, regular monthly accounts payable and journal entry log. Seconded by L. Neuburg. Motion carried (7-0)

**Clerk's Report:** Clerk C. Zindars announced that credit card payments were now able to be made in the Village Office. She also reported that Deputy Clerk B. Hoefakker had made significant progress on the delinquent Water Utility accounts this year, with a past-due balance over \$12,000 at the beginning of the year and now down to under \$6,000 with payments agreements set up for all delinquent accounts. She stated the expectation was that all would be up to date by the end of the year if agreements are upheld as documented.

## **Citizen Comments/Concerns:**

S. Royston, 330 Appletree Ln – stated that she believed the Police & Licensing Committee had potentially held an improper closed session. She also explained an issue with the handling of the potential hiring of a Police Chief as there were no applications for the position collected and she had heard no discussion at the meetings regarding how the salary for a new Chief would be paid for. She also did not believe that discussion was held on a Police Committee agenda item regarding the Waukesha County Sheriff's Department, felt that the residents' voices were not being heard on the issue and suggested a referendum be held.

B. Russell, 813 Andover Dr – stated that she agreed with Royston's comments regarding a referendum. She explained that she thought the Police Department could no longer be financially supported by the Village and that they should switch to County patrol at no cost.

L. French, 405 Appletree Ln – supplied a letter to the Board indicating her support for the Eagle Police Department and her recommendation of Sgt. Bruckner for the position of Chief.

B. Marquardt, 230 Park Ave – stated that she respected the Eagle Police Department and the job that Cpt. Lesniewski had been doing, however did not think the Village could support financially and longer. She agreed that a referendum should be held.

J. Grudel, 802 Melbourne Rd – explained that he supported dissolving the existing Police Department and switching to County patrol at no cost. He also supported a referendum on the issue.

M. Rice, 601 Old Prospectors Trail – expressed support for keeping a full time Rec Department in place and explained the many benefits of having a full time program. He also stated that he supported county patrol of the Village at no cost.

C. Sanchez, 806 Sutton Dr – explained his reasons for not supporting the Bielinski Senior Housing project. He stated that he did not trust the company because they do not maintain the empty lot that the housing is supposed to be built and in turn does not believe they will do the job they are supposed to maintaining a the project. He stated that he believed the units would eventually move to low-income housing and thought the property should be rezoned Single-Family Residential.

W. Krestan, 516 Homesteaders Retreat – expressed her support for the Eagle PD by sharing a personal experience, explaining how the officers care about the residents of the community.

C. Krestan, 516 Homesteaders Retreat – expressed support for the Eagle PD and thought contracting with the Waukesha Sheriff's Department was too costly

M. Parish, 811 Mansfield Dr – express support for a referendum for the Police Department and stated he thought the Board needed to practice better fiscal responsibility.

D. Rockteacher, 335 Eagle St – expressed hesitation in the Bielinski Senior Housing development due to the fact that the other half of the lot for the existing senior housing building was never developed possibly due to lack of demand. He also inquired as to the status of the remodel at 426 E Main St.

B. Koen, 421 Meadow Ln – stated that action needed to be taken in regards to the house at 426 E Main St. He also expressed support for a referendum for the Police Department.

B. Dingle, 116 South St – inquired about the progress of development of the noise ordinance.

J. Steinhart, 523 E Main St – stated that she had attended several Police & Licensing committee meetings recently and that she noted no discussion of contracting with Waukesha Sheriff's Department. She expressed her support for patrol being done by Waukesha County Sheriff's Department with no contract at no cost. She suggested that the Police Department be disbanded for one year and the funds be used for repairing roads and using for improvements to the park and playground. She also voiced concerns regarding the vacant house on 426 E Main St, stating that she believed there to be animals living inside and she also warned to watch in the winter, the property owners did not keep up on shoveling.

S. Clark, 305 Elkhorn Rd. – agrees with comments regarding holding a referendum and thinks the Village should be patrolled by Waukesha Sheriff's department.

L. French, 405 Appletree Ln. – stated that she had heard comments about several Waukesha County Sheriff's Department officers living in the Village and that people had remarked that response times would be quicker because of this. She explained that these officers would not be on duty once they were home and would not be responding to calls just because they lived in the Village.

C. Sanchez, 806 Sutton Dr. – stated that he believed response times now were faster with Waukesha County Sheriff's Department than Eagle Police Department.

J. Gurgul, 802 Melbourne Rd. – inquired about whether there may be access to studies done on Waukesha County Sheriff's Department response times.

E. Juedes, 221 Waukesha Rd. – stated that there are a high number of accidents at the intersection of Hwy 67 & Hwy 59 and that she most often sees Waukesha County Sheriff's Department responding.

B. Weimer, 303 Larkin St. – shared a personal story regarding needing police assistance. She stated that she could not get a hold of the Eagle Police Department, but indicated that Waukesha County Sheriff's Department had responded quickly.

**Announcements:**

**Chief Presiding Officer:** R. Spurrell addressed the issues with the progress of house on 426 E. Main, explaining that he heard about the potential of there being financial issues with the owner and that he intended to look into the claim. He continued by explaining that no presentation should be expected by the Mukwonago Police Department regarding coverage as they had rescinded their request, noting that the reason provided was that they could not compete with the coverage/cost of Waukesha County Sheriff's Department. He also stated that there was a potential proposal from the Village of North Prairie regarding joint Chief representation.

**Board Members:** none

**Fire Dept. Representative:** S. Wilton announced that it was fire prevention week and the representative from the department visited local schools to teach the importance of fire safety and prevention. He also announced the department's participation in the upcoming Pancake Breakfast and Pumpkin Party.

**Police Dept. Representative:** Captain S. Lesniewski announced that a \$5,000 donation had been made for a new squad camera. He also announced the return of Sgt. G. Bruckner to light/office duty. He continued by announcing two new programs being rolled out by the department; Are You OK? and free Vehicle Safety Inspections for residents

**Consideration/Action regarding plan of operations and preliminary site plans for Fox Chase Senior Apartments:**

N. Washburn of Bielinski Properties had begun by explaining that she may have made some abrupt comments at the last meeting she attended. She stated that Bielinski was interested in moving forward with the project and continued by summarizing the building plans. She addressed the comments made by Board members at the previous meeting regarding the lack of storage in the units by explaining that a basement was eliminated in the plans in order to keep costs low, that there was ample storage in the closets in the units and in the garage provided with the unit, and she felt that individuals moving in to these units were looking to downsize and may not have the need for additional storage. She continued by addressing safety concerns brought up at the last meeting by explaining that the units would have a 2x6 wall construction and hurricane clips in the tresses. She continued, stating that other one story building, such as schools often do not have basements and that the safest place in those buildings would be an interior space with no windows. She stated that Bielinski felt that there was a high demand for this sort of housing. She explained that one building would be built at a time according to demand. She continued, explaining that gaining conceptual approval from the Board would enable Bielinski to finish the plans and be able to provide cost estimates to the Board. G. Hein asked if they had an estimate for rent on the units. N. Washburn stated that Bielinski had a goal of \$700-\$825 for the units, that there would be potential assistance available through the State, and that they would be able to get a more firm estimate once plans were finalized. G. Scheff asked how many people were on Bielinski's waiting list for the units. N. Washburn explained that she had received several calls from Village residents with interest in renting units. G. Hein asked how Bielinski would address empty units. N. Washburn explained that they were hoping to avoid potential empty units by building one unit at a time according to demand. G. Scheff asked whether Bielinski would be interested in converting this property to Single Family Residential for home sites. N. Washburn stated that they hadn't considered because it had always been the desire of the Village to designate this site for Senior Housing. J. Frisch voiced his concerns about the lack of demand for the units. L. Neuburg inquired about the materials to

be used on the interior walls of the garages. N. Washburn explained that they would use materials in line with fire codes and that a sprinkler system would be installed in the buildings. R. Spurrell stated that an agreement would need to be made to ensure that these units would be for Senior Housing only. He also inquired as to why Bielinski had not gotten firm estimates on rents since the Board's desire had been made apparent at the previous Board meeting. N. Washburn explained that Bielinski was looking for conceptual approval from the Board before going through the additional expense of completing the plans. L. Neuburg asked whether the Village could hold Bielinski to rent estimates after the project had been completed. R. Spurrell stated that he did not believe they could, it would ultimately be up to cost and demand for the units.

- a. **Consideration/Action of approval of conceptual site plans:** Motion made by R. Spurrell to approve conceptual site plans. Seconded by L. Neuburg. J. Hoefakker asked whether the Board was going to discuss impact fees. N. Washburn stated that at this point Bielinski was only looking for conceptual approval to move forward, although wanted the Board to know that estimated impact fees for the units would be approximately \$35,000 per building. R. Spurrell stated that he believes that there is a demand for these units, that this was the best concept that he's seen from Bielinski, there may be potential for a grocery store if these units fill. He explained that he had several concerns and was voting to approve in order to get answers to his questions. G. Scheff announced his concerns regarding the potential of the buildings not being filled, possibly resulting in lack of maintenance of the units themselves and the vacant property left. Motion failed (3-4) L. Neuburg, R. Spurrell, G. Hein in favor. J. Hoefakker, G. Scheff, P. Jones, J. Frisch opposed.

**Consideration/Action regarding an ordinance to create a joint municipal court for the Town of Eagle, the Village of Eagle, the Town of Mukwonago, the Village of North Prairie, the Town of Waukesha:**

R. Spurrell stated that the Town of Vernon had changed their minds about joining the Joint Municipal Court. He explained that the Town of Waukesha did not intend to continue with the Joint Municipal Court after April 2016, so one ordinance included the Town of Waukesha up until April 2016 and the other did not include the Town of Waukesha after April 2016.

**Consideration/Action regarding an ordinance to create a joint municipal court for the Town of Eagle, the Village of Eagle, the Town of Mukwonago and the Village of North Prairie:** Motion made by L. Neuburg to approve both ordinances. Seconded by G. Scheff. Motion carried (7-0)

**Consideration/Action regarding an agreement to create a joint municipal court for the Town of Eagle, the Village of Eagle, the Town of Mukwonago, the Village of North Prairie, the Town of Waukesha**

- a. **Consideration/Action regarding an agreement to create a joint municipal court for the Town of Eagle, the Village of Eagle, the Town of Mukwonago and the Village of North Prairie**

Motion made by L. Neuburg to approve both agreements. Seconded by J. Frisch. Motion carried (7-0)

**Consideration/Action regarding contract with Waukesha County for Salt/Sand for 2015/2016 Season:**

R. Spurrell and G. Scheff stated that DPE Superintendent S. Deegan recommends salt only and not the mix, however the agreement did provide a price for both. Motion made by J. Frisch to approve the contract with Waukesha County for Salt/Sand for 2015/2016 Season. Seconded by G. Hein. Motion carried (7-0)

**Consideration/Action regarding contract with Baker Tilly:** Motion made by L. Neuburg to approve contract with Baker Tilly. Seconded by J. Hoefakker. Motion carried (7-0)

**Consideration/Action regarding Exiting Employer Option Selection Resolution for Wisconsin Public Employee Group Health Insurance Program:** Motion made by L. Neuburg to approve the Existing Employer Option Selection Resolution for Wisconsin Public Employee Group Health Insurance Program. Seconded by G. Scheff. Motion carried (7-0).

**Consideration/Action regarding Village Employee Insurance Contribution Rate for 2016:** R. Spurrell explained that this item had been table at the last Regular Board meeting until after the budget workshop. He included that the figures used at the workshop and provided in the packets were an 88%/12% split, the Village paying 88% of premium and the employee paying 12%. Motion made by J. Frisch for the Village to pay 88% of premiums for full time employees and 25% for part-time employees. Seconded by L. Neuburg. Motion carried (7-0)

**Consideration/Action regarding service contract with Humane Animal Welfare Society of Waukesha County:** Motion to approve one-year contract with Humane Animal Welfare Society of Waukesha County made by L. Neuburg. Seconded by G. Scheff. Motion carried (7-0)

**Consideration/Action to correct missed earned vacation days for Steve Deegan:** R. Spurrell explained that a clerical error had caused S. Deegan to be shorted a total of 10 vacation days over the last 4 years. Discussion held regarding whether S. Deegan would be able to use the vacation time in 2016 if they carried that amount over to next year. G. Scheff explained that S. Deegan was potentially carrying over a week already and that it would be very difficult for him to make the time to take the additional vacation hours in 2016. R. Spurrell calculated the amount S. Deegan would be paid out at his current pay rate, \$2,303.20. G. Hein suggested the payout be calculated based on the rate he would have been paid for each year the vacation hours were earned. Discussion was also held about the possibility of splitting; 5 days carried over, 5 days paid out. Motion made by G. Scheff to payout 5 days and carry over 5 days. Seconded by J. Hoefakker. R. Spurrell asked Clerk C. Zindars would be carrying over any vacation time this year. C. Zindars stated that S. Deegan had informed her that he may need to carry over 5 days. G. Scheff rescinded motion to payout 5 days and carryover 5 days. J. Hoefakker rescinded second. Motion made by P. Jones to payout 10 days of vacation earned at the rate he would have been paid for the year hours were earned. Seconded by G. Scheff. Motion carried (7-0).

**Consideration/Action regarding Operator's License application for Karley Kolberg:** Motion made by J. Frisch to approve Operator's License application for Karley Kolberg. Seconded by L. Neuburg. Motion carried (7-0).

**Committee Reports/Action Items: (Information on discussion and action taken at previous meeting(s), future agenda items and upcoming scheduled meeting(s) :**

- a. **Code & Ordinance** – J. Frisch explained that the Noise Ordinance failed at the last committee meeting. R. Spurrell expressed his dissatisfaction with the lack of action on the committee's part to get a noise ordinance to the Board for approval and stated that he desired to see a noise ordinance and ordinance prohibiting chickens at the next board meeting.
- b. **Eagle Recreation Department** –
  1. **Discussion regarding the future of the Eagle Recreation Department:** P. Jones announced that S. Blonien, former Recreation Department director had resigned. After the committee's review of the programs, it was determined that, factoring in the enrollment in the programs and potentially moving the director position to part-time, four programs would remain for 2016; Lego Camp, Tiny-Tots, Soccer, and Softball. R. Spurrell remarked that he hoped that

the community could come back together and the department could turn around and exhibit growth.

c. **Fire & Building** – R. Spurrell announced that the next meeting would be held next Tuesday

d. **Library** – none

e. **Nature Trail** – J. Hoefakker announced that J. Weedman was working with area schools and gathering volunteers to help with future projects with success.

f. **Personnel & Finance** –

**1. Consideration/Action regarding changes to the Village of Eagle Human Resources Policy Manual**

– R. Spurrell detailed the changes to the existing HR Policy Manual, including revisions to evaluations, work week, comp time, continuation of health insurance, vacations, tuition reimbursement, retirement hours and work schedules and the addition of a grievance procedure. He asked what the board suggested in regards to adding detail on what to do with unused vacation time at the end of each year. R. Spurrell added language stating that any unused vacation time that was not able to be rolled over would be forfeited without pay. Motion made by J. Frisch to approve changes to the Village of Eagle Human Resources Policy Manual, to include language added regarding forfeited vacation hours. Seconded by G. Hein. Motion carried (7-0)

**2. Discussion regarding the Village of Eagle's 2016 Budget:** R. Spurrell explained that during the budget workshop, \$20,000 had been budgeted for financial audit in 2016 and that he was dropping to \$13,500 according to Baker Tilly's new contact amount. He also stated that the Transportation Aide for 2016 had gone up, putting the Village at a Surplus of \$9600. He explained that the Village Board would next need to meet with the Town Board, then the Village Board would again need to meet to balance the budget.

g. **Police & Licensing** –

**1. Presentation by Eagle Police Department of services and costs of the Department**

– Captain S. Lesniewski and Sgt. G. Bruckner had a power point presentation prepared. Both presented the presentation objectives, special services provided by the department, on staff services, a brief history of the Eagle Police Department, recent department accomplishments, current cost to run the department, and future plans. A list of special services were provided including firearm safety, AED/CPR training, vacation home checks, finger printing, free vehicle lock-out assistance, and participation in many community events and school event participation. On staff services listed included a Drug Recognition Expert, AED/CPR Instructor, Firearms Instructors, Field Training officers, FBI Crisis negotiator, IT, Squad Maintenance Technicians, Grant Writers and Drug Investigators. Recent issues handled by the department in recent years included several drug investigations and burglary/vehicle thefts. Estimated cost of the department was quoted as \$409,055 total budget, with an approximate \$51,000 revenue from citations, open records, parking and fingerprinting, indicating a net cost of \$358,055. Future goals of the department included specialized training for officers in addition to the annual 24hrs required to maintain certification, maintaining an open door policy, more community involvement, no budget increase, and writing a minimum of 3 grants per year. They compared costs of Waukesha County Sheriff's Department as provided from their presentation indicating an annual budget amount for 1<sup>st</sup> and 2<sup>nd</sup> shift staffing of \$414,629 which did not include overtime costs, transcription costs, or additional staff needed for community events. They compared that number to the net figure of running the Eagle Police Department of \$365,456.58.

**2. Consideration/Action regarding presentation by Eagle Police Department:** L. Neuburg announced that the Police and Licensing committee recommended to continue coverage through the Eagle Police Department. R. Spurrell expressed his belief that response time

between WCSD and EPD was situational, that the chance of the police department being reinstated after dissolving the existing police department for a year would be unlikely, and the community needed a community based service. G. Hein stated that he thought the matter should be left to a referendum, then the people choose. L. Neuburg expressed her belief that potential future residents would find it hard to move into a community with no police presence. Motion made by L. Neuburg to continue coverage through the Eagle Police Department. Seconded by G. Scheff. Motion carried (5-2) G. Hein and P. Jones opposed.

**3. Consideration/Action regarding contracting with Waukesha County Sheriff's Department:** no action taken

**4. Consideration/Action regarding hiring of a part-time officer:** L. Neuburg stated that the committee had recommended Kurt Kezeske for the part-time position. Motion made by J. Frisch to hire Kurt Kezeske for the part-time patrol officer position. Seconded by G. Scheff. Motion carried (5-0-2) G. Hein and P. Jones abstained.

**5. Consideration/Action regarding the Chief position:** L. Neuburg stated that the committee recommended the promotion from within for the position of full time Chief. R. Spurrell outlined several past minutes from 2015 Police & Licensing committee meetings, stating that nowhere in those minutes had he read anything about serious discussion of costs, full-time vs. part-time, benefits of one or the other, whether a chief was needed, how much administration time was done by a chief. J. Hoefakker asked if research was done regarding what other municipalities were doing. L. Neuburg explained that she had done extensive research on the subject and stated that she apologized if she had not properly communicating her findings. R. Spurrell stated that the question of 'Why do we need a full time Chief?' needed to be answered. L. Neuburg shared some of her research regarding municipalities with a part time Chief, citing that there was a lack of commitment, less motivation due to a lack of benefits, less focus, not as much connection with the community and the department. She also listed various duties of the Chief, in which R. Spurrell commented that Sgt. G. Bruckner had been handling those duties so why was a Chief needed. He also stated that there were too many questions for him to make a decision. Motion to table made by R. Spurrell. Seconded by J. Hoefakker. Motion carried (7-0).

**h. Public Works & Property –**

**1. Consideration/Action to purchase a new Plow/Dump Truck for the DPW:** G. Scheff stated that the Public Works and property committee recommended the purchase of a new dump truck and provided purchase cost figures and financing figures to the Board. He stated that Citizen's Bank had offered a rate of 2.75% with the option to make an initial down payment or to delay payments for one year. Purchase price of the truck including trade-in was estimated at \$126,624. R. Spurrell had questions on different finance scenarios which were not provided and explained that he had a hard time approving financing without exact figures. Motion made by R. Spurrell to table. Seconded by J. Hoefakker. Motion carried (5-2) G. Scheff and P. Jones opposed.

**2. Consideration/Action to purchase a new pickup truck for the DPW:** G. Scheff stated that the Public Works and Property Committee recommended the purchase of a new pickup truck for the DPW. Purchase price of the pickup would be \$22,600. Superintendent of Public Works S. Deegan suggested 75% of the cost could be taken out of the Water Utility account based on the amount the pickup was used to service the Water Utility. This would be an amount of \$16,950. G. Scheff continued, stating that there was a buyer lined up for the old pickup at a price of \$3,000, bringing the total to \$19,950, meaning that just over \$3,000 would need to be taken out of the equipment fund for purchase, having no effect on the budget. R Spurrell questioned using the full purchase price to calculate the 75% from

water considering there was a \$3,000 being put toward the purchase. He stated that they may need to subtract the \$3,000 from the purchase price, then calculate the 75%. Clerk C. Zindars stated that she would check with the auditors for proper calculation. Motion made by G. Scheff to purchase a new pickup as quoted for the DPW. Seconded by J. Frisch. Motion carried (7-0).

**Motion for closed session per WI State Statute 19.85 (1)(f) for consideration of financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies, which if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; specifically to discuss the medical condition and the duty disability claim of the Justin Heim.** Motion made by G. Scheff to move to closed session. Seconded by J. Hoefakker.

**Roll Call Vote:** J. Hoefakker – yes, L. Neuburg – yes, G. Scheff – yes, G. Hein – yes, J. Frisch – yes, R. Spurrell – yes

#### **Closed Session**

**Motion to reconvene to open session:** Motion to reconvene to open session made by J. Frisch. Seconded by G. Scheff. Motion carried (7-0)

#### **Consideration/Action regarding closed session discussion**

- a. **Consideration/Action regarding Justin Heim's duty disability claim:** Motion made by J. Hoefakker deny claim based on the fact that it is not known if the disability is permanent. Seconded by J. Frisch. Motion carried (7-0)

**Adjournment:** Motion to adjourn made by J. Hoefakker. Seconded by P. Jones. Motion carried (7-0). Meeting adjourned at 10:20pm.